

**CINCINNATI POLICE DEPARTMENT  
INTERNAL INVESTIGATIONS SECTION  
CASE # 18145**

**Introduction:**

Internal Investigations Section (IIS) has completed an investigation into an allegation by Captain Jeffrey Butler Jr., Badge: C20, Training Section, of a missing master box containing copies of original department documents and additional supporting documentation compiled by the Inspections Section during the 2017 overtime audit.

**Summary of Incident:**

*Note: In the summer of 2018, the location of the office space assignments for Inspections Section personnel was rearranged between two existing offices utilized by the Inspections Section. Both offices are located at 310 Ezzard Charles Drive on the second floor. To ensure consistency and clarity throughout this report, the following terms and definitions will be utilized:*

- *Inspections Section office – The larger office utilized by the Inspections Section, containing two restrooms, without windows. This is where the Inspections Section sergeants were assigned until the rearrangement of offices.*
- *Originals box – banker's style box containing original documents removed from the individual department districts or sections*
- *Master box – This is the box that is alleged to be missing. A banker's style box containing copies of original documents removed from the individual district or sections, kept for Inspections Section records, for purposes of the 2017 overtime audit.*
- *Duplicate box – banker's style box containing only copies of the copies of original documents placed in a master box*

During the first quarter of 2018, the Inspections Section was tasked with completing an audit of the Police Department's overtime usage for 2017. The audit included a review of various original documents, such as Forms 25S, Request for Leave of Absence; Forms 68P, Overtime and Court Appearance Report; Forms 202, Weekly Time Report; daily District or Section lineups; and Forms 443, Voluntary Off-Day Deviation.

As each individual district or section was audited, Inspections Section sworn personnel responded to the district or section with empty originals boxes and removed necessary original documents to be reviewed. The original documents were placed into the originals boxes and transported to the Inspections Section office for review. Any original documents that were needed for the audit were copied for Inspections Section records.

Each of the sworn personnel assisting with the audit was provided a specific task, such as review of the Forms 25S, review of daily lineups, or entry into a spreadsheet. The following personnel took part in or assisted in some manner with a review of the documents and completion of the audit:

- Captain Jeffrey Butler Jr., Badge: C20, Police Training Section
- Lieutenant Barbara Young, Badge: L770, Evidence & Property Management Unit
- Lieutenant Elena Moton, Badge: L84, Collaborative Agreement Compliance Unit
- Sergeant Stephenie Fassnacht, Badge: S39, Inspections Section
- Sergeant Douglas Frazier, Badge: S414, District Three
- Sergeant Jacob Mapel, Badge: S74, Inspections Section
- Sergeant Ronald Schaeper, Badge: S106, Inspections Section

**Interviews:**

**Captain Jeffrey Butler Jr., Badge: C20, Police Training Section**

*Note: Captain Butler was detailed to the Inspections Section beginning in January, 2017. He was assigned to the Inspections Section from April 7, 2017, until March 18, 2018.*

*Captain Butler's original interview on December 19, 2018, was not recorded due to a mechanical malfunction. He was immediately re-interviewed and recorded. The statements given and information gathered from both interviews did not change.*

Captain Butler was assigned as Commander of the Inspections Section from January 2017, until mid-March 2018. While assigned to the Inspections Section, his office was the Inspections Section captain's office. Captain Butler oversaw and conducted a department audit for the year 2017. The audit consisted of a review of the highest paid department members by rank and unit. Included in the audit were overtime hours worked, work hours, contract compliance, shift deviation, and outside employment extension of police services details.

The members of the Inspections Section who worked on the audit included Captain Butler, Lieutenant Young, Sergeant Mapel, Sergeant Fassnacht, and Sergeant Frazier. Sergeant Schaeper did not participate in the audit. Lieutenant Moton assisted with the audit on a few occasions.

The audit began with members of the Inspections Section going to various districts and sections to gather original documents, placing them into the originals boxes, then bringing the documents back to the Inspections Section office. One district or section was completed at a time due to the volume of the records. Once at the Inspections Section office, the documents were reviewed for accuracy, consistency with the Assignment Report and contract, and an overall audit of the officers' activities to determine if there were any issues or discrepancies.

Each person from the Inspections Section who worked on the audit was assigned a specific task, such as reviewing Forms 68P, 25S, or lineups, and data entry. Captain Butler kept track of items manually on a legal pad while Sergeant Frazier entered items electronically. The original documents were placed back into the originals box upon review.

If the work on the audit was done during the week and the originating district or section was still open, the original documents were returned that day. If the work was conducted on the weekend or after hours, the originals box was locked inside Captain Butler's or Lieutenant Young's office.

Copies were made of any documents needed; usually by Lieutenant Young or Sergeant Mapel. These two primarily made the copies because Lieutenant Young usually handled and reviewed the Forms 25S and Sergeant Mapel handled paperwork related to details due to his familiarity with the Coplogic Overtime Management System. The copies of the originals were placed into the master box by whoever made the copy, most frequently, Lieutenant Young and Sergeant Mapel.

*Note: The Coplogic Overtime Management System is the department's computerized system for posting, signing up for, and selecting off duty outside employment details.*

The master box was a standard banker's box with a lift out lid and marked "2017 Inspections Audit". Captain Butler could not recall if the master box was marked at the beginning, during, or conclusion of the audit. At the conclusion of the work day the master box was stored in the Inspections Section office. The office was the work area for the audit and was locked (when unoccupied). Captain Butler was unsure exactly where the master box was stored within the Inspections Section office.

The master box was never in Captain Butler's office while the audit was being conducted. During the audit, Captain Butler only kept payroll items produced by Finance Management Section in his office. Upon completion of the audit, a report was submitted in February 2018.

On March 5, 2018, an Equal Employment Opportunity (EEO) complaint was filed by Captain Bridget Bardua, Badge: C18, Special Investigations Section, against Captain Butler, Lieutenant Colonel David Bailey, Badge: LTC3, Personnel Management, and Lieutenant Colonel Paul Neudigate, Badge: LTC6, Patrol Bureau. Shortly thereafter, Captain Butler asked Clerk Typist III Marla Lovette, Badge: CT31, Inspections Section, and Lieutenant Young to bring him the master box .

*Note: On March 5, 2018, Captain Bardua was assigned to District Five and Lieutenant Colonel Bailey was assigned to the Administration Bureau (Executive Officer).*

On March 7, 2018, Captain Butler made four identical copies of the files contained in the master box, which were placed into duplicate boxes: one for the Fraternal Order of Police (FOP), one for Senior Assistant City of Cincinnati Solicitor Julie Bissinger, who was representing the City in the EEO complaint, one for his attorney, Mr. Brian Gillan, and one for himself.

The copied files in the duplicate boxes were identical to each other and to the master box; however, the master box also contained auxiliary supporting documents, such as CD's and DVD's, legal documents, and handwritten notes. The notes included information provided to Captain Butler from all ranks about officers who were manipulating payroll or abusing time.

*Note: Captain Butler did not further describe the legal documents contained in the master box.*

Captain Butler personally delivered duplicate boxes to the FOP and Mr. Gillan and kept his duplicate box. The duplicate box for the City was delivered to City Hall by two sergeants from the Inspections Section, but Captain Butler could not recall which two sergeants.

The master box was returned to the Inspections Section office by a member of the Inspections Section staff, where it had previously been stored. Captain Butler could not recall which staff member because the master box did not become significant to him until around June, 2018. March 7, 2018, was the first and only time the master box was in Captain Butler's office and was the last time Captain Butler saw the master box. Captain Butler does not know where the master box or its contents are currently. Captain Butler cannot recall the last person to have possession of the master box.

On March 8 or 9, 2018, Colonel Eliot Isaac, Badge: CHF, Police Chief, came to Captain Butler's office and asked Captain Butler "where the binders were and all the audit stuff was." Captain Butler advised Chief Isaac they were in the Inspections Section office. Chief Isaac then went to the Inspections Section office. A short time later a member of the Inspections Section told Captain Butler, "The Chief took everything" (related to the audit). Captain Butler could not recall the person who made that statement to him.

*A follow up interview was conducted with Captain Butler to provide clarification following interviews of other parties. The following information was collected from Captain Butler's second interview.*

Captain Butler could not recall if the originals boxes were marked in any way. He was not involved with collecting the documents contained in the originals boxes and did not handle those documents during the review process.

Captain Butler stated the documents from each district or section were contained in folders. The supporting audit documentation in the master box was categorized and placed into separate manila folders, separated by district or section. Additional items, such as assignment reports and financial documents, were also contained in individual folders.

The final version of the audit report, which was completed on a Form 17, was prepared by Captain Butler. Prior to submission the report was sent, via email, to all parties involved in the audit for review, including Lieutenant Colonel Bailey. The final version of the audit report was completed on or around February 7 or 8, 2018.

The copied files contained in the master box were used to compile the Form 17 for the final audit report and audit binders. The information in the final report was developed from the supporting documentation in the master box and the binders. The binders contained seventeen to eighteen separate tabs, starting with the narrative Form 17 (final audit report), followed by supporting documentation.

The copies of documents for the duplicate boxes were primarily made by Captain Butler utilizing the copy machine on the eastern end of the hallway near the Inspections Section office. Several people who were nearby assisted Captain Butler; this included only persons who had knowledge of or assisted in the audit. Inspections Section personnel, Division Manager Kristen Cosgrove, Badge: ADM26, Special Projects Unit, and Lieutenant Moton may have assisted with making copies.

*Note: Captain Butler refers to Ms. Cosgrove and Ms. Eatmon during his interview, which was her surname while married. Both Ms. Cosgrove and Ms. Eatmon refer to the same person.*

The copies of (the copied) documents were placed into folders, then in assembly line fashion placed into the duplicate boxes. Captain Butler was the primary person who placed the items into the duplicate boxes. The process of making the copies for and compiling the duplicate boxes took the entire day.

The master box contained thousands of pages of voluminous paperwork. The items copied and placed into the duplicate boxes were limited to what was relevant to the actual audit findings. For example, financial reports gathered by Ms. Cosgrove contained an error in the calculations. These documents were kept in the master box, but not placed in the duplicate boxes.

All documentation reviewed for the audit was kept in the master box, as it demonstrated the audit process, regardless of whether or not it was utilized for the final report. The duplicate boxes contained only items pertinent to the final audit product. Captain Butler used an analogy of a final IIS report compared to the entire case file, or a Homicide Unit book compared to the entire case file, when comparing the contents of the duplicate boxes to the master box.

*Note: A Homicide Unit book is a binder prepared for summation and organization of information contained in a Homicide Unit investigation.*

Captain Butler's personal notes and legal pads were kept as checks and balances to what Sergeant Frazier entered into the computer. Captain Butler directed Sergeant Frazier to print out the information he entered into the computer, then Captain Butler sat in his office to compare and verify the numbers he wrote down on his legal pads to what Sergeant Frazier entered.

The duplicate box delivered to the FOP was delivered to the FOP attorney (Mr. Steve Lazarus). Captain Butler could not recall if he personally delivered that box or if another person delivered it. The duplicate box was delivered within one to two days from when the copies were made.

Captain Butler did not deliver a duplicate box, or any items pertaining to the audit, to Ms. Bissinger at City Hall. He could not recall exactly who delivered a duplicate box to Ms. Bissinger. The duplicate box was delivered within one to two days from when the copies were made. Captain Butler believed one of the Inspections Section sergeants delivered the box to Ms. Bissinger; however, occasionally he used Sergeant Timothy Lanter, Badge: S61, Gang Enforcement Squad, to assist him with various things.

*Note: Captain Butler referred to Sergeant Lanter as "Turbo" Lanter. "Turbo" is a commonly used nickname for Sergeant Lanter.*

Captain Butler stated, "There were three copies of documents that went out. I have mine. And then there's the original that was at Inspections. That's the missing box. I can confirm that I know that my attorney still has his box, the FOP has their box, and Julie, I saw, (be)cause I went and reviewed with her in May. I went through the documents with her. And I know my box, I still have it. (Be)cause I offered the City, I think in June, June fourteenth, to Captain Swingley, I offered him my box to provide to the Auditor."

*Note: Captain Butler provided copies of his Microsoft Outlook calendar, indicating he met with Ms. Bissinger on March 14, 2018, and May 24, 2018.*

Captain Butler referred to the issue of who delivered the box to Ms. Bissinger as "minutiae," when compared to "big picture things." He knows Ms. Bissinger has a duplicate box, because he met with her to review some of the documents. When asked if the items remained in the duplicate box during the meeting with Ms. Bissinger in May, Captain Butler answered, "She brought some folders out." During the May meeting, Captain Butler had notebooks and personal notes to discuss with Ms. Bissinger, but did not give her anything.

Captain Butler never carried the master box back and forth between his office and the Inspections Section office. After the duplicate boxes were made, the master box went back to the Inspections Section office, as the master box was not stored in his office.

Captain Butler never carried any originals boxes back and forth between his office and the Inspections Section office, as he had no need for them. If he needed something specific, Lieutenant Young or Sergeant Mapel would bring him a copy of what was needed.

#### **Police Lieutenant Barbara Young, Badge: L770, Evidence & Property Management Unit**

*Note: Lieutenant Young was assigned to the Inspections Section from April 29, 2012 until April 8, 2018.*

Lieutenant Young's office while at the Inspections Section was located inside and to the rear of the Inspections Section office. Lieutenant Young's office had a locking door, which she locked each day when she secured.

As the result of a past audit by the City's Internal Audit Office, the Police Department changed the overtime audit process. The 2017 department audit would consist of the top five earners of each rank, Investigative Units, Vice Unit, and a random sample from the remainder of the department.

Lieutenant Young recalled the audit was conducted from late 2017, to early 2018. The personnel involved with performing the 2017 overtime audit were Captain Butler, Lieutenant Moton, Sergeant Fassnacht, Sergeant Mapel, and Sergeant Frazier.

The sergeants assigned to Inspections Section gathered the original documents from each district or section and transported them to the Inspections Section office for review. If the review of original documents carried into multiple days, the original documents were stored and locked in Lieutenant Young's office overnight.

Sergeant Mapel reviewed outside employment extension of police services detail records. Captain Butler recorded the officer's assignment hours and overtime on a legal pad. Sergeant Frazier copied the information from Captain Butler into a computer. Sergeant Fassnacht reviewed shift lineups. Lieutenant Moton temporarily assisted when one of the other supervisors was unavailable.

Captain Butler maintained control of his yellow legal pad. Lieutenant Young did not observe any other personnel utilizing a legal pad. Lieutenant Young did not observe any other hand written ledgers or notebooks because Sergeant Frazier was entering the information directly into the computer.

Lieutenant Young's role in the 2017 overtime audit was to be in charge of making copies of any necessary original Forms 25S, Request for Leave of Absence; Forms 68P, Overtime and Court Appearance Report; and Forms 443, Voluntary Off-Day Deviation. Once all the necessary copies were made, Lieutenant Young placed all of the copies made into a folder for the specific unit that was being audited. Lieutenant Young placed the folders in her desk drawer and stored them until she personally delivered them to Captain Butler.

Lieutenant Young carried the copied documents to Captain Butler's office. She informed Captain Butler she was leaving the copied documents in his office so he would have everything necessary for the audit in his office, as he was compiling all of the information for the Chief. Lieutenant Young has not seen any of the copied documents since she delivered them to Captain Butler.

Captain Butler was in charge of compiling the final audit books and report, which combined the copies made by Lieutenant Young as well as financial information Captain Butler obtained. Captain Butler "did all the legwork of the financial numbers that he got."

The only audit boxes Lieutenant Young is familiar with were the originals boxes used to transport documents from each district to the Inspections Section and back. Lieutenant Young is unaware of the existence of a master box or its current location.

There were no boxes of documents from the audit stored in the Inspections Section office. Lieutenant Young is not aware of Chief Isaac or anyone else from outside of the Inspections Section requesting or removing any items or documents related to the 2017 audit from the Inspections Section office.

### **Lieutenant Elena Moton, Badge: L84, Collaborative Agreement Compliance Unit**

*Note: Lieutenant Moton was assigned to the Planning Section from April 23, 2017, until she was transferred to the Collaborative Agreement Compliance Unit on April 8, 2018.*

Lieutenant Moton assisted the Inspections Section with the department's 2017 audit on two occasions. Both occasions she provided assistance were on a Saturday. She reviewed daily lineups and Forms 68P, Overtime and Court Appearance Report, then marked a sheet to indicate if the officer worked overtime or not. Upon completion of the review, the documents were returned to the folder from which they were taken.

Captain Butler, Lieutenant Young, Sergeant Fassnacht, and Sergeant Mapel conducted the audit when Lieutenant Moton assisted.

Lieutenant Moton has never seen a box containing any documents from the 2017 department audit. She is unaware of a master box or its current location and does not know who was last in possession of a master box.

### **Sergeant Stephenie Fassnacht, Badge: S39, Inspections Section**

*Note: Sergeant Fassnacht has been assigned to the Inspections Section since July 17, 2016.*

Sergeant Fassnacht participated in the department's 2017 audit. She collected lineups, off time slips, and detail records. Sergeant Fassnacht, Sergeant Frazier, Sergeant Mapel, Lieutenant Young, and Captain Butler reviewed the documents to ensure they matched lineups. The original documents were returned to the district upon completion.

Lieutenant Young made copies of any documents needed for the audit. The copies were kept by either Captain Butler or Lieutenant Young. After Sergeant Fassnacht handled any copies of documents she placed them into a folder. She never placed any copies into a master box or any box, and did not witness anyone else place any copies into a master box or any box.

Sergeant Fassnacht has never seen a master box used during the 2017 audit. She is unaware of a master box's existence, current location, or who was last in possession of a master box. She believes either Captain Butler or Lieutenant Young would have been the last person in possession of any box containing copies of documents from the audit.

Sergeant Fassnacht is not aware of a master box or any box containing copied documents from the audit for Inspections Section records being stored in the Inspections Section office.

Sergeant Fassnacht never carried a box containing any documents pertaining to the audit to or from Captain Butler's office, City Hall, the FOP or FOP attorney, Ms. Bissinger, or any other person.

Sergeant Fassnacht is not aware of Chief Isaac or anyone not assigned to the Inspections Section asking for or physically removing any documents related to the audit from the Inspections Section office.

**Police Sergeant Douglas Frazier, Badge: S414, District Three**

*Note: Sergeant Frazier was assigned to the Inspections Section from December 6, 2015 until July 1, 2018. He worked out of the Inspections Section office until his transfer to District Three.*

Sergeant Frazier recalled the 2017 audit was conducted near the end of 2017 into the beginning of 2018. The other personnel involved with performing the audit were Captain Butler, Lieutenant Young, Lieutenant Moton, Sergeant Fassnacht, and Sergeant Mapel.

Sergeant Frazier's involvement in the 2017 audit included responding to affected district stations and gathering documents necessary to complete the audit. Multiple boxes were used to transport original documents from the districts to the Inspections Section office. Sergeant Frazier was also responsible for entering data into a Microsoft Excel spreadsheet.

Once documents were gathered from a district, they were transported to the Inspections Section in multiple originals boxes. Copies of the documents were made before the original documents were returned to the district. Lieutenant Young made the majority of the copies. Sergeant Frazier did not make or handle any copies of documents. If copies were made they were placed into a master box. All personnel working on the audit were present when copies of original documents were placed into the master box.

The master box Sergeant Frazier recalled was a banker's style box with a removable lid. Sergeant Frazier did not recall any type of label on the box.

The only time and place Sergeant Frazier observed the master box was in the Inspections Section office while work on the audit was being conducted. He never personally saw the master box any other time. Sergeant Frazier was told by Lieutenant Young the master box would be stored in Lieutenant Young's office; however, he never saw it there.

Sergeant Frazier never carried a box containing any copied documents pertaining to the audit to or from Captain Butler's office, City Hall, the FOP or FOP attorney, Ms. Bissinger, or any other person. Sergeant Frazier is aware of the originals boxes being stored overnight in Captain Butler's office on occasion and carried originals boxes back and forth between the Captain's office and the Inspections Section office.

Sergeant Frazier is not aware of Chief Isaac or anyone not assigned to the Inspections Section asking for or physically removing any documents related to the audit from the Inspections Section office.

Sergeant Frazier is not aware of who last possessed the master box or its contents. Sergeant Frazier was told by Captain Butler copies of the documents in the box were delivered to the City Solicitor's Office.

### **Police Sergeant Jacob Mapel, Badge: S74, Inspections Section**

*Note: Sergeant Mapel has been assigned to the Inspections Section since March 12, 2017.*

Sergeant Mapel recalled the audit occurred approximately in February 2018. Sergeant Mapel recalled personnel involved with performing the audit were Captain Butler, Lieutenant Young, Lieutenant Moton, Sergeant Fassnacht, and Sergeant Frazier.

Sergeant Mapel's involvement in the 2017 audit included retrieving and reviewing reports of outside employment extension of police services details for the officers selected to be audited.

Sergeant Mapel also assisted in retrieving original documents from various district stations. If particular documents were determined to be needed, copies of those documents were made by Lieutenant Young. Once copies were made, the original documents were returned to the district station.

Sergeant Mapel observed Lieutenant Young put paper clips on the copies and place them into a folder; he never witnessed Lieutenant Young place any copies into a box. Sergeant Mapel did not know how the document copies were used after that. Sergeant Mapel assumed Lieutenant Young secured the documents in her office.

Sergeant Mapel saw numerous banker type boxes in the Inspections Section office for use as originals boxes. Sergeant Mapel did not see a master box or any box containing copies of any audit documents in the Inspections Section office.

Sergeant Mapel recalled the original documents were possessed by the Inspections Section for a period of time typically ranging from three days to seven days. Sergeant Mapel recalled original documents were temporarily stored and locked in Captain Butler's office until the original documents could be returned to the district of assignment.

Sergeant Mapel acknowledged he has heard of a missing master box, had the box described to him, and assisted in searching for the box. Sergeant Mapel did not recall ever seeing a master box.

Sergeant Mapel never carried a box containing any documents pertaining to the audit to or from Captain Butler's office, City Hall, the FOP or FOP attorney, Ms. Bissinger, or any other person.

Sergeant Mapel is not aware of Chief Isaac or anyone not assigned to the Inspections Section asking for or physically removing any documents related to the audit from the Inspections Section office.

Sergeant Mapel was unaware of the current location of a master box and its contents. Sergeant Mapel does not know the last person to possess a master box or its contents.

### **Sergeant Ronald Schaeper, Badge: S106, Retired**

*Note: Sergeant Schaeper was assigned to the Inspections Section from January 19, 2014 until his retirement on March 10, 2019.*

Sergeant Schaeper had minimal involvement in the department's 2017 audit. He reviewed several Forms 68P, Overtime and Court Appearance Report, while Sergeant Frazier recorded the information. Upon completion of his review, he placed the documents back onto a table from which the work on the audit was being conducted.

He has never seen a master box or a box containing documents used during the 2017 audit. He is unaware of its current location and does not know who last had possession of a master box.

Sergeant Schaeper is not aware of a master box or any box containing copied documents from the audit for Inspections Section records being stored in the Inspections Section office.

Sergeant Schaeper never carried a box containing any documents pertaining to the audit to or from Captain Butler's office, City Hall, the FOP or FOP attorney, Ms. Bissinger, or any other person.

Sergeant Schaeper is not aware of Chief Isaac or anyone not assigned to the Inspections Section asking for or physically removing any documents related to the audit from the Inspections Section office.

#### **Clerk Typist III Marla Lovette, Badge: CT31, Inspections Section**

*Note: Ms. Lovette has been assigned to the Inspections Section since March 30, 2014.*

Ms. Lovette's office is located in the back of the Inspections Section office and has been for approximately four years. She has seen numerous boxes at the Inspections Section office and is unsure exactly which box is currently missing.

Ms. Lovette's only role in the department's 2017 audit was to physically construct empty originals boxes for Inspections Section personnel to take to districts to collect paperwork. She believed there was a different originals box used for each district, but was not certain.

While the audit was being conducted, the sergeants completing the audit would work out of the originals boxes on a table in the Inspections Section office. The originals boxes contained documents taken from districts and were stored in Captain Butler's or Lieutenant Young's office overnight under lock and key. The next day, the work on the audit would resume with personnel reviewing documents from the originals boxes.

The originals boxes were the only boxes pertaining to the audit Ms. Lovette has seen. She does not recall seeing any box with labeling specific to the 2017 audit.

Ms. Lovette is not aware of a master box or any other box containing records from the audit being stored in the Inspections Section office, aside from the temporary storage of the originals boxes in Captain Butler's or Lieutenant Young's office.

Ms. Lovette has never carried any box containing any documents related to the audit to or from Captain Butler's office, City Hall, Ms. Bissinger, the FOP or FOP attorney, or any other person or place.

Ms. Lovette is not aware of Chief Isaac or anyone not assigned to the Inspections Section asking for or physically removing any documents related to the audit from the Inspections Section office.

Ms. Lovette stated Inspections Section did not send any boxes to off-site storage in 2018, as the department was changing off-site storage vendors. Ms. Lovette was advised by Account Tech III Lisa Hancock, Badge: ACT3, Finance Management Section, to not send any boxes to the off-site storage due to the vendor change.

Ms. Lovette labeled the boxes sent by the Inspections Section for records destruction in 2018. She did not review the contents of the boxes, but was told by Inspections Section personnel what each box contained in order to properly label the box. She did not label any box with wording similar to "2017 overtime audit" or "2017 Inspections audit."

**Division Manager Kristen Cosgrove, Badge: ADM26, Special Projects Unit**

*Note: Ms. Cosgrove was assigned to Finance Management Section from March 15, 2015, until she was transferred to the Special Projects Unit on January 14, 2018.*

Ms. Cosgrove's office is located adjacent to Captain Swingley's Office, which was previously occupied by Captain Butler.

Ms. Cosgrove assisted with the department's 2017 audit while she was assigned to the Finance Management Section. At the request of Lieutenant Colonel Bailey and Captain Butler, Ms. Cosgrove ran overtime reports out of the Access database system. She personally handed those reports to Lieutenant Colonel Bailey and Captain Butler. She considered this a rather routine request.

After Ms. Cosgrove's transfer to the Special Projects Unit in January, 2018, and for several weeks prior to Captain Butler's transfer from the Inspections Section, Ms. Cosgrove's and Captain Butler's offices were adjacent to one another. Ms. Cosgrove spoke to Captain Butler quite often.

On every occasion Ms. Cosgrove was in Captain Butler's office, she saw a taller, white, banker's type box labeled with something to the effect of "2017 Audit" or "2017 Overtime Audit" on the floor next to his desk. She believes it had a flip top and the writing was on the top of the box; however, she was not entirely sure of these two details. She has only seen one box with those specific markings referring to the 2017 audit.

The only other time she has seen the box she described was when Captain Butler would carry the box from his office to the Inspections Section office and vice versa. Ms. Cosgrove witnessed this while looking out into the hallway from her office. Ms. Cosgrove was aware

Inspections Section personnel would go through the contents of the box in the Inspections Section office.

Ms. Cosgrove has not seen the box anywhere other than Captain Butler's office floor or being carried down the hallway by Captain Butler. She saw the box every time she was in Captain Butler's office, including the week leading up to his transfer. Upon Captain Butler's transfer from the Inspections Section, the Inspection Section captain's office briefly remained vacant, with the door shut the entire time. Captain Swingley moved into the office shortly thereafter.

#### **Captain Dennis Swingley, Badge: C4, Inspections Section**

*Note: Captain Swingley has been assigned to the Inspections Section since March 18, 2018.*

Captain Swingley was transferred to the Inspections Section on March 18, 2018. Upon transfer, Captain Swingley took immediate occupancy of the Inspections Section captain's office, which was previously Captain Butler's office.

Captain Swingley was not involved in the department's 2017 overtime audit in any manner. He has never seen any box related to the audit and does not know of or the current location of a master box.

During the summer of 2018, Captain Swingley was in the office of Lieutenant Colonel Teresa Theetge, Badge: LTC1, Support Bureau. Lieutenant Colonel Theetge placed a phone call to Captain Butler regarding the location of a master box and placed the call on speaker phone for Captain Swingley to hear. No one else was present for the phone call.

Captain Butler told Lieutenant Colonel Theetge that Ms. Bissinger had a copy of the master box and that Captain Butler could probably compile the contents of the box with the help of his attorney. Captain Swingley was present for the entirety of the phone call.

On an unknown date, Captain Butler advised Captain Swingley he left the master box in his office upon transfer out of the Inspections Section. Captain Swingley could not recall where this statement was made; however, he believes it was said either during the phone call in Lieutenant Colonel Theetge's office or during an individual conversation with Captain Butler.

#### **Lieutenant Colonel Teresa Theetge, Badge: LTC1, Support Bureau**

*Note: Lieutenant Colonel Theetge has been assigned to the Support Bureau since February 9, 2016.*

Lieutenant Colonel Theetge has never seen a master box or the contents of a master box. She is unaware of the location of a master box or the contents of a master box.

Captain Butler was the Inspections Section Commander who conducted the 2017 overtime audit. Lieutenant Colonel Theetge was not involved with the audit, as Captain Butler reported to Lieutenant Colonel Bailey at the time. After Lieutenant Colonel Bailey left the

Department, Chief Isaac tasked Lieutenant Colonel Theetge with verifying the compensation numbers in the draft audit.

Lieutenant Colonel Theetge was involved in prior audits when she was previously assigned to the Inspections Section and was aware that supporting documentation was necessary for the compilation of an audit report. In her experience, these documents would be stored together in a box or a file.

*Note: Lieutenant Colonel Theetge was assigned to the Inspections Section as a Lieutenant from August 4, 2002 until November 21, 2004.*

Lieutenant Colonel Theetge called Captain Swingley, who was now the Inspections Section Commander, to her office to discuss the supporting documents for the 2017 overtime audit. Captain Swingley stated he did not have any supporting documentation for the 2017 overtime audit in his office and was unaware of any documentation in the Inspections Section office.

In the presence of Captain Swingley, Lieutenant Colonel Theetge called Captain Butler to determine the location of the supporting documentation. She placed the called on speaker phone. She asked Captain Butler if there was any supporting documentation for the audit, and if there was, if it was placed in a file or boxed up in any manner. Captain Butler stated there was a master box, which Captain Butler left in the Inspections Section captain's office when he was transferred to the Police Training Section.

Captain Swingley advised Captain Butler there was no master box in the Inspections Section captain's office and he was unaware of a master box in the Inspections Section office. Captain Butler replied that he made copies of the box for several individuals, including Ms. Bissinger.

Lieutenant Colonel Theetge contacted Ms. Bissinger to review the documents Captain Butler provided to her. Lieutenant Colonel Theetge met Ms. Bissinger at City Hall to pick up the documents, expecting them to be contained in a banker's box. Ms. Bissinger provided Lieutenant Colonel Theetge with only a brown accordion folder.

Lieutenant Colonel Theetge reviewed the documents and discovered nothing pertaining to the audit. The file contained emails and items relating to the Emergency Communications Section, where Captain Butler was previously assigned. Lieutenant Colonel Theetge returned the file to Ms. Bissinger, as it did not contain any necessary documents.

Lieutenant Colonel Theetge reconvened with Captain Swingley and determined they would need to identify what documents were needed and gather them on their own. There was no further investigation into the location of a master box at that time, as the needed documents could all be gathered from timekeepers throughout the Department.

All supporting documents for the 2017 audit were obtained from the timekeepers and provided to the State Auditor's office. Lieutenant Colonel Theetge did not discuss the location of the box with Captain Butler until several months later, when she was conversing with a State Auditor's representative. The State Auditor's representative requested to meet

with Captain Butler. Lieutenant Colonel Theetge set up and attended the meeting, which also included Captain Butler, the State Auditor's representative, and another staff member from the State Auditor's office. During this meeting Captain Butler referenced the master box.

The following morning, Lieutenant Colonel Theetge was made aware that Captain Butler authored a Form 17, Interdepartmental Correspondence Sheet, and delivered it to the City Manager's office. The Form 17 requested an investigation into a missing master box, indicating the documents it contained were necessary for the State Auditor's office to conduct their investigation.

After the Form 17 was delivered to the (then interim) City Manager, Mr. Patrick Duhaney, Lieutenant Colonel Theetge spoke to Mr. Duhaney and Ms. Paula Boggs Muething, City Solicitor. Mr. Duhaney and Ms. Boggs Muething asked Lieutenant Colonel Theetge to make additional attempts to locate a master box.

Lieutenant Colonel Theetge sent an email to all personnel currently working at the Inspections Section, as well as those who worked there during the 2017 audit. The email asked several questions, such as the location of a master box, knowledge of the contents, and awareness of the existence of a master box. The majority of the replies indicated a lack of knowledge of the existence of a master box.

### **Colonel Eliot K. Isaac, Badge: CHF, Police Chief**

*Note: Chief Isaac became the interim Police Chief in September 2015. He was officially appointed to the position on December 10, 2015.*

The purpose of any Department overtime audit is to ensure the proper management, oversight, documentation, and adherence to policy and procedure for the use of overtime for all employees. All Department audits are conducted by Inspections Section staff. Captain Butler was the Inspections Section Commander at the time of the 2017 overtime audit.

Chief Isaac is not aware of the existence of a master box or any box containing documents related to the 2017 overtime audit. He has never seen a master box or its contents. He does not know the location of a master box or any contents that were contained in a master box.

Lieutenant Colonel Bailey was the Administrative Bureau Commander at the time of the 2017 overtime audit. Chief Isaac spoke to Captain Butler and Lieutenant Colonel Bailey once regarding the timeline for completion of the audit. The conversation took place in Lieutenant Colonel Bailey's office. The only other conversation Chief Isaac would have had with Captain Butler regarding the audit would have occurred during staff meetings or other meetings similar in nature. Chief Isaac has never spoken to Captain Butler regarding the 2017 overtime audit in Captain Butler's office.

Since assuming the role as Police Chief, Chief Isaac has only gone to the Inspections Section office on two or three occasions. Each occasion was to attend random drug testing. His presence in the Inspections Section office would be considered memorable, as it is not a

location he visits often. He has never been to the Inspections Section office to discuss the 2017 overtime audit.

*Note: As Police Chief, Chief Isaac has attended random drug testing in the Inspections Section office on January 12, 2016; December 12, 2017; April 18, 2018; and July 24, 2018.*

Chief Isaac did not ask Captain Butler for the location of items related to the 2017 overtime audit on March 8 or March 9, 2018. On March 8 or 9, 2018 Captain Butler did not tell Chief Isaac that items from the 2017 overtime audit were in the Inspections Section office. Chief Isaac did not go to the Inspections Section office on March 8 or 9, 2018 and take anything, including a master box or any items related to the 2017 overtime audit. He did not go to the Inspections Section office at all on March 8 or 9, 2018.

#### **Ms. Julie Bissinger, Senior Assistant City of Cincinnati Solicitor**

Ms. Bissinger has never received a duplicate box or any box containing files from the department's 2017 overtime audit. No box was ever delivered to anyone who works in Ms. Bissinger's office or her staff. No sergeant assigned to Inspections Section delivered a box or any files pertaining to the audit to Ms. Bissinger or her staff.

Ms. Bissinger had a meeting with Captain Butler pertaining to the EEO complaint filed by Captain Bardua. During this meeting, Captain Butler provided Ms. Bissinger with a three-hole binder and a legal sized accordion folder with approximately ten sub files, both containing documents pertaining to the audit.

The only additional files pertaining to the audit delivered to Ms. Bissinger were updates to the audit, provided by Lieutenant Colonel Theetge and Division Manager Alice Hoctor, Badge: ADM87, Finance Management Section.

#### **Sergeant Timothy Lanter, Badge: S61, Gang Enforcement Squad**

*Note: Sergeant Lanter was assigned to the Mountain Bike Squad (MBS) from January 14, 2017 until November 18, 2018.*

While assigned to the MBS, Sergeant Lanter worked out of the District One, second shift office on the first floor of 310 Ezzard Charles Drive.

Sergeant Lanter was not involved in the 2017 department audit conducted by Inspections Section. He has never handled any box or documents pertaining to the audit. He did not deliver any box or documents relating to the audit to City Hall, the Law Department, Ms. Bissinger, or any other person.

While assigned to Inspections Section, Captain Butler never asked Sergeant Lanter to deliver any items to City Hall, the Law Department, or Ms. Bissinger.

#### **Information Technology Assistant Manager James Olthaus, Badge: ADM42, Information Technology Management and Systems**

*Note: Mr. Olthaus has been assigned to ITMS since 2007. His office is located at 2000 Radcliff Drive.*

Mr. Olthaus assisted in the 2017 department audit by submitting spreadsheets with payroll calculations from the employee payroll database to Captain Butler via email. Mr. Olthaus played no further role in the audit. He has never seen any box pertaining to the audit and does not know where any box or documents from the audit are currently located.

**Clerk Typist III Paula Selby, Badge: CT35, Inspections Section**

*Note: Ms. Selby has been assigned to the Inspections Section, Detail Coordination Squad, since November 19, 2017.*

Ms. Selby did not participate in the 2017 department audit. She has never seen any box related to the audit and does not know the current location of any box pertaining to the audit. Ms. Selby recalls seeing various boxes in the Inspections Section office containing various detail related records in the summer of 2018 that were sent to storage. The boxes contained older records that needed to be stored for records retention purposes. Each box was labeled as to the specific contents. She does not recall seeing a box labeled in any manner related to a 2017 department audit.

**Sergeant Daniel Hills, Badge: S77, Fraternal Order of Police Lodge #69 President**

Sergeant Hills confidently recalled that no box or documents pertaining to the 2017 overtime audit were ever delivered to Fraternal Order of Police Lodge #69.

**Additional Information:**

The following personnel were interviewed as a part of this investigation. They took no part in the 2017 overtime audit, have never seen any boxes pertaining to the audit, and were not able to provide any information relevant to this investigation:

- Lieutenant Donna Robinson, Badge: L50, Inspections Section
- Lieutenant Stephen Saunders, Badge: L703, Public Information Office
- Sergeant Thomas Mullis, Badge: S198, Inspections Section
- Sergeant Jesse Olverson, Badge: S3, Inspections Section
- Clerk Typist III Devlin Abrams, Badge: CT162, Inspections Section
- Clerk Typist III Lauren Gramke, Badge: CT18, Inspections Section
- Clerk Typist III Belinda James, Badge: CT83, Inspections Section
- Clerk Typist III Lynda Napier-Jordan, Badge: CT17, Inspections Section
- Clerk Typist III Cheryl Pryor, Badge: CT9, Inspections Section
- Ms. Michelle Comarata, Fraternal Order of Police Lodge #69 Administrative Assistant

IIS reviewed an email provided by Captain Butler, sent to Chief Isaac on March 7, 2018, with carbon copies (Cc:) to Lieutenant Colonel Bailey, Lieutenant Colonel Neudigate, and Ms.

Bissinger. The email provided notice that he spoke to Ms. Bissinger and she would be representing them in the lawsuit.

The email concluded, “I will begin compiling and provide all documents associated with the audit, process and relevant documentation (current or historical) related to the other claims in the EEOC notice and Form 17 for her review, the FOP and/or private council.”

IIS reviewed an email from Ms. Lovette to Lieutenant Amanda Caton, Badge: L12, Support Bureau, dated November 6, 2018. Ms. Lovette indicated to Lieutenant Caton the Inspections Section had no storage boxes or boxes due for destruction on site at the Inspections Section office. Ms. Lovette attached the current inventory for off-site storage records for the Inspections Section to the email.

IIS reviewed the off-site storage records for the Inspections Section provided by Ms. Lovette. The boxes in storage were classified by a description of the contents as well as year of the documents. There were no boxes with wording describing any form of an audit for 2017, or any boxes of documents for the year 2017. Of all the boxes listed, the only two descriptions containing the word “audit” were:

- “INSP - COURT AUDITS/PEER ANALYS,” labeled for the years 2009-2013
- “CCRP AUDIT/ETS ANALYSIS/CP AUDIT,” labeled for the years 2012-2013

IIS reviewed a Form 17, Interdepartmental Correspondence Sheet, authored by Captain Butler, titled “Records Disposal/Destruction – Inspections Section.” The form was dated January 29, 2018, and lists Inspections Section documents requested to be destroyed pursuant to Procedure 17.100, Police Records: Storage and Maintenance, and Initiating New Records and Forms. A total of ten boxes, along with a description of the documents contained therein, are listed. None of the descriptions indicated any documents from 2017 were due for destruction and none of the descriptions indicated any documents were related to any form of an audit.

IIS reviewed a series of emails sent by Lieutenant Colonel Theetge on October 18, 2018, regarding the location of a missing master box, to the following personnel:

- Captain Dennis Swingley
- Lieutenant Elena Moton
- Lieutenant Donna Robinson
- Lieutenant Barbara Young
- Sergeant Stephenie Fassnacht
- Sergeant Douglas Frazier
- Sergeant Jacob Mapel
- Sergeant Thomas Mullis
- Sergeant Jesse Olverson
- Sergeant Ronald Schaeper
- Division Manager Kristen Cosgrove
- Information Technology Assistant Manager James Olthaus

- CTIII Lauren Gramke
- CTIII Belinda James
- CTIII Marla Lovette
- CTIII Paula Selby

The nature of the emails was to determine the location of a missing master box. IIS reviewed each reply to the original email. The content of the replies was consistent with the interviews conducted by IIS.

IIS reviewed emails containing the words “audit” and “box” for the below email accounts from January 1, 2018, until December 19, 2018:

- David.Bailey@cincinnati-oh.gov
- Jeff.Butler@cincinnati-oh.gov
- Barbara.Young@cincinnati-oh.gov
- Elena.Moton@cincinnati-oh.gov
- Douglas.Frazier@cincinnati-oh.gov
- Jacob.Mapel@cincinnati-oh.gov
- Stephenie.Fassnacht@cincinnati-oh.gov
- Marla.Lovette@cincinnati-oh.gov
- Kristen.Cosgrove@cincinnati-oh.gov

No information pertinent to this investigation was gleaned from these emails.

IIS reviewed a copy of Captain Butler’s Microsoft Outlook calendar, which was provided by Captain Butler. The following meetings with Ms. Julie Bissinger were listed:

- March 14, 2018:
  - o 0900-0930: Julie Bissinger Meeting (214)
- May 24, 2018
  - o 1100-1230: Mediation Prep: Bissinger

IIS reviewed the two items provided by Captain Butler to Ms. Bissinger. The first item was an unmarked, legal sized brown Smead end tab wallet, with 5.25" expansion and flap and cord closure. The wallet contained fourteen manila folders, each containing various documents. The folders were labeled:

- FILE CREATION DATE
- EEOC PACKET
- ADMIN REGS
- BUTLER EMAIL INBOX – AUDIT
- CITY MANAGER FYI MEMO
- ALICE HOCTOR SPECIFI [sic] EMAIL
- EMAIL BUTLER SENT
- BRIDGET EMAIL

- PREVIOUS AUDITS
- CUMMINS 2017-18 DETAILS
  - Note: It appears "July 17 AUDIT" is scratched out under the above label*
- JAN 17 FORM 17 AUDIT
  - Note: This folder was empty*
- 2016 DETAIL AUDITS / INSPECTIONS
  - Note: It appears to say "1 For Cummins" at the top of the folder, below the label*
- 2017 DETAIL INSPECTIONS
- GRAPHS & SPREADSHEETS

The second item Captain Butler provided Ms. Bissinger was a black, 11.5"x11"x2.5" Avery Dennison three-ring binder, labeled "2018 Semi-Annual Overtime Audit 2/9/18" and "Book# 7 of 7" on the spine. The first document contained in the binder was a Form 17, Interdepartmental Correspondence Sheet, dated February 15, 2018, authored by Lieutenant Colonel David J. Bailey, Executive Assistant Police Chief, titled "Semi-Annual Audit of Overtime". The binder contained eight subsequent tabs, labeled A-H, sorting various documents. The table of contents identified each tab as:

- Tab A – Table of Contents
- Tab B – March 2016 City of Cincinnati Internal Audit
- Tab C – Form 17 January 2018 Annual Audit by Rank
- Tab D – Form 17 August 2017 Semi-Annual Audit by Rank
- Tab E – Form 17 June 2017 Outside Employment
- Tab F – Increment Overtime (Pay) by District/Section/Unit for FY 2014 – FY 2107 [sic]
- Tab G – Compensatory Time Earned for by District/Section/Unit for FY 2014 – FY 2107 [sic]
- Tab H – Random Audit Tracking Sheets for:
  - o District 1 Investigative Unit
  - o District 2 Neighborhood Liaison Unit
  - o District Three Violent Crimes Squad
  - o District Four Third Shift
  - o District Five Neighborhood Liaison Unit
  - o Central Business Section
  - o Criminal Investigation Section Major Offenders Unit
  - o Emergency Communications Section
  - o Special Investigations Section Narcotics Unit
- Rear Pocket: Computer Generated Audit Spreadsheet

The entire contents of each item were reviewed. No information pertinent to this investigation was gleaned from these two items.

IIS reviewed Inspections Section records for random drug testing of Chief Isaac. Chief Isaac has responded to the Inspections Section for random drug testing on the following dates since September 2015:

- January 12, 2016
- December 12, 2017
- April 18, 2018
- July 24, 2018

IIS reviewed Chief Isaac's calendar for March 8 and 9, 2018. The calendar was provided by Administrative Specialist Sabrina Burton-Simonson, Badge: ADM34, Chief's Secretary. The following items were listed:

- March 8, 2018
  - o 0800-0830: State of the Department – In-Service; Academy
  - o 0930-1000: ECCStat; CincyStat Room; CincyStat Room
  - o 1300-1400: STARS, Chief's Conf. Rm.
- March 9, 2018
  - o 0930-1000: Command Staff Meeting
  - o 1000-1300: Speak at 2018 Junior Achievement Job Shadowing Day (focus - \*Law Enforcement & Civic Duty), XU Schmidt Fieldhouse, 3900 Winding Way
  - o 1300-1500: HOLD
  - o 1830 (no end time listed): First Game – Queen City Swish (Price Hill vs. Millvale); Price Hill Rec. Ctr., 959 Hawthorne

*Note: Per Ms. Burton-Simonson, "HOLD" refers to Chief Isaac's unavailability for meetings.*

IIS reviewed a Form 17, Interdepartmental Correspondence Sheet, dated October 17, 2018, authored by Captain Butler to Patrick A. Duhaney, Acting City Manager. The Form 17 was titled "Request for External Administrative and or Criminal Investigation: Public Records". In the form, Captain Butler indicates he advised Lieutenant Colonel Theetge and Captain Swingley, via phone on October 16, 2018, the supporting documentation for the audit was "clearly marked and secured at the Inspections Section prior to the transfers of Lieutenant Barbara Young, Sergeant Douglas Frazier and myself."

### **Conclusion:**

In early 2018, Inspections Section conducted an audit of the Police Department's overtime usage for 2017. The audit included a review of various original documents, such as Forms 25S, Request for Leave of Absence; Forms 68P, Overtime and Court Appearance Report; Forms 202, Weekly Time Report, daily District or Section lineups; and Forms 443, Voluntary Off-Day Deviation.

Captain Butler, Lieutenant Young, Lieutenant Moton, Sergeant Fassnacht, Sergeant Frazier, and Sergeant Mapel were involved with conducting the audit. Sergeant Schaeper had minimal involvement with the audit. CTIII Lovette physically constructed the originals boxes used during the audit, but took no further role.

As each individual district or section was audited, Inspections Section personnel responded to the district or section with empty originals boxes and removed the necessary original

documents to be reviewed. The original documents were placed into the originals boxes and transported to the Inspections Section office for review.

During the course of the audit, Lieutenant Young, Sergeant Fassnacht, Sergeant Frazier, Sergeant Mapel, Sergeant Schaeper, and CTIII Lovette all had a desk or office located inside of the Inspections Section office.

Each of the personnel assisting with the audit was provided with a specific task, such as review of the Forms 25S, Request for Leave of Absence, review of daily lineups, or entry into a spreadsheet database. Any original documents needed for the audit were copied for Inspections Section records.

Captain Butler alleged a master box containing copies of original department documents and additional supporting documentation compiled by the Inspections Section during the 2017 overtime audit was missing.

Captain Butler stated while the work was being conducted on the audit, copies were made by either Lieutenant Young or Sergeant Mapel then placed into the master box. Captain Butler described the master box as a standard banker's box with a lift out lid and the markings "2017 Inspections Audit". Captain Butler could not recall if the master box was marked at the beginning, during, or at the conclusion of the audit.

Sergeant Frazier stated Lieutenant Young primarily made the copies then placed the copies into the master box. Sergeant Frazier described the master box as a banker's style box with a removable lid. He did not recall any type of labeling on the master box.

Lieutenant Young stated she was in charge of making copies of any necessary documents then placed the copies into a specific folder for the unit being audited. The folders were stored in her desk until she carried all of the folders from the entire audit to Captain Butler's office and gave them to him. She is not familiar with a master box.

Lieutenant Moton could not recall ever seeing any box containing documents from the audit on the two occasions she assisted with the audit. She recalled the documents she reviewed being placed into a folder.

Sergeant Fassnacht stated Lieutenant Young made any needed copies during the audit. All copies of documents Sergeant Fassnacht handled were placed into a folder. She did not see anyone else working on the audit place copies into any box. She is not familiar with a master box.

Sergeant Mapel stated Lieutenant Young made copies for the audit then placed them in a folder. He never saw Lieutenant Young place copies into any box. Sergeant Mapel never saw a master box or any box containing copies of any audit documents

Sergeant Schaeper had minimal involvement with the actual audit and simply recalled placing the few pieces of paper he reviewed back onto a table from which the work was being conducted. He has never seen a master box or any box containing documents used during the 2017 audit.

CTIII Lovette did not participate in the actual audit process; however, she did recall seeing the Inspections Section sergeants working out of the originals boxes during the audit. She does not recall seeing the sergeants utilizing a master box. She is familiar with multiple originals boxes used during the audit, but did not recall seeing any box with labeling specific to the 2017 overtime audit.

Captain Butler stated the master box was stored in the Inspections Section office while the audit was being conducted and once it was completed. Captain Butler was unsure exactly where the master box was stored within the Inspections Section office.

Additionally, Captain Butler authored a Form 17 on October 17, 2018, in which he wrote the supporting documentation for the audit was "clearly marked and secured at the Inspections Section prior to the transfers of Lieutenant Barbara Young, Sergeant Douglas Frazier and myself."

Lieutenant Young, Sergeant Fassnacht, Sergeant Frazier, Sergeant Mapel, Sergeant Schaeper, and CTIII Lovette have never seen a master box stored overnight in the Inspections Section office. Sergeant Frazier further stated he has never seen the master box inside the Inspections Section office outside of when the work on the audit was being conducted. Sergeant Frazier did not recall any markings on the box he saw.

Captain Butler stated he asked CTIII Lovette or Lieutenant Young on March 7, 2018, to bring him the master box, which one of them did.

Lieutenant Young is not familiar with, nor ever seen a master box, or any box containing copies of documents from the audit, and she did not carry a master box to Captain Butler's office. CTIII Lovette stated she has never carried any box containing any documents from the audit to or from Captain Butler's office.

Captain Butler stated after the master box was delivered to him by Lieutenant Young or CTIII Lovette on March 7, 2018, he made four duplicate boxes containing copies of the copied documents in the master box. The master box also contained auxiliary supporting documents, such as CD's and DVD's, legal documents, and handwritten notes the duplicate boxes did not contain.

Captain Butler personally delivered duplicate boxes to the FOP attorney, his attorney (Mr. Brian Gillan), and kept one box for himself. He further stated a duplicate box for the City and Ms. Julie Bissinger was delivered to City Hall by two sergeants from the Inspections Section or Sergeant Lanter. Captain Butler could not recall who made the delivery. Captain Butler stated he did not personally deliver any items to Ms. Bissinger.

Sergeant Fassnacht, Sergeant Frazier, Sergeant Mapel, and Sergeant Schaeper each stated they never carried a box containing any documents pertaining to the audit to or from City Hall, Ms. Bissinger, the FOP attorney, or any other person.

Sergeant Lanter stated he did not take any part in the audit, did not handle any items related to the audit, and did not deliver a box or any documents relating to the audit to City Hall, the Law Department, or Ms. Bissinger.

Ms. Bissinger stated neither she nor any of her staff ever received any box containing copies of documents pertaining to the audit from anyone, including Captain Butler and other Inspections Section personnel. Ms. Bissinger was provided with a three-hole binder and legal sized accordion folder with approximately ten sub files, both containing documents pertaining to the audit, by Captain Butler.

Captain Butler stated when he completed making the copies for the duplicate boxes, the master box was returned to the Inspections Section office by an unknown member of the Inspections Section staff. Captain Butler could not recall which staff member because the master box did not become significant to him until around June, 2018.

Lieutenant Young, Sergeant Fassnacht, Sergeant Frazier, Sergeant Mapel, Sergeant Schaeper, and CTIII Lovette each stated they never carried a box containing any documents pertaining to the audit to or from Captain Butler's office; however, Sergeant Frazier has carried the originals boxes back and forth between Captain Butler's office and the Inspections Section office.

Captain Butler stated March 7, 2018, was the first and only time the master box was in his office and the last time he saw the master box.

While the audit was being conducted, Ms. Cosgrove's office was adjacent to Captain Butler's office. Ms. Cosgrove spoke to Captain Butler quite often. On every occasion Ms. Cosgrove was in Captain Butler's office, she saw a taller, white, banker's type box labeled with something to the effect of "2017 Audit" or "2017 Overtime Audit" on the floor next to his desk. She has only seen one box with those specific markings referring to the 2017 audit.

The only other time Ms. Cosgrove has seen the box she described was when Captain Butler would carry the box from his office to the Inspections Section office, and vice versa. Ms. Cosgrove witnessed this while looking into the hallway from her office. Ms. Cosgrove was aware Inspections Section personnel would go through the contents of the box in the Inspections Section office.

Ms. Cosgrove has not seen the box anywhere except on Captain Butler's office floor or being carried down the hallway by Captain Butler. She saw the box every time she was in Captain Butler's office, including the week leading up to his transfer.

Lieutenant Colonel Theetge stated while in the presence of Captain Swingley, she called Captain Butler to determine the location of the supporting documentation for the 2017 audit. She placed the call on speaker phone. Captain Butler advised Lieutenant Colonel Theetge and Captain Swingley he left the master box in the Inspections Section captain's office when he was transferred to the Police Training Section.

Captain Swingley stated on an unknown date, Captain Butler advised him he left the master box in his office upon transfer out of the Inspections Section. Captain Swingley could not recall where this statement was made; however, he believes it was said either during the phone call in Lieutenant Colonel Theetge's office, or during an individual conversation with Captain Butler.

Captain Butler was transferred from Inspections Section to Police Training Section on March 18, 2018.

Based on the interviews and investigation, a master box was only viewed in the Inspections Section office by Captain Butler and Sergeant Frazier and only while work on the audit was being conducted. Captain Butler does not recall when the box was marked; however, on a Form 17 he authored on October 17, 2018, he indicated the box was clearly marked. The box Sergeant Frazier described was not marked in any manner.

Neither Captain Butler nor Sergeant Frazier made copies of or handled original documents, and no other person working on the audit placed copied items into any box. All others who worked on the audit stated that copies were placed into folders, not a box. All others who worked on the audit never saw any box containing copies of documents used in the audit.

Based on the IIS interviews and investigation, the only place a box containing the markings "2017" and "audit" was seen was in Captain Butler's office. Ms. Cosgrove stated that on multiple occasions, she saw a box with that description on the floor in the Inspections Section captain's office, which was occupied at the time by Captain Butler. Ms. Cosgrove recalled seeing that box in Captain Butler's office during the week leading up to his transfer on March 18, 2018.

Additionally, Lieutenant Colonel Theetge stated during a phone call with Captain Butler, he advised her he left the master box in the Inspections Section captain's office when he was transferred from Inspections Section to Training Section. The phone call was placed on speaker phone and was done in the presence of Captain Swingley.

Captain Swingley stated Captain Butler advised Captain Swingley that Captain Butler left the master box in his office upon transfer out of the Inspections Section. Captain Swingley could not recall where this statement was made; however, he believes it was said either during the phone call in Lieutenant Colonel Theetge's office, or during an individual conversation with Captain Butler.

Captain Butler stated he possessed the master box on March 7, 2018. He stated he made four copies of items contained in the master box for the purpose of creating four duplicate boxes. He stated a member of the Inspections Section carried the master box from his office back to the Inspections Section office. He was unable to recall who took possession of the master box from him. All potential personnel Captain Butler stated he could have given the master box to were interviewed by IIS and all denied ever having possession of the master box.

Therefore, based on Captain Butler's statements and Ms. Cosgrove's observations, the last believed location of a master box was in the possession of Captain Butler in the Inspections Section captain's office.

Based on the IIS interviews and investigation, IIS is **UNABLE TO DETERMINE** the current location of a master box.

#### **Additional Information:**

Captain Butler alleged Chief Isaac came to the Inspections Section captain's office on March 8 or 9, 2018, and asked Captain Butler for the location of items from the audit. Captain Butler advised Chief Isaac they were in the Inspections Section office. Captain Butler stated Chief Isaac then went to the Inspections Section office. A short time later, an unknown person assigned to the Inspections Section told Captain Butler, "The Chief took everything" (related to the audit).

Both Colonel Theetge and Captain Swingley stated Captain Butler advised them, on an unknown date after Captain Butler's transfer from Inspections Section, he left the master box, containing copies of original department documents and additional supporting documentation compiled by the Inspections Section during the 2017 overtime audit, in his office upon the transfer.

Additionally, Captain Butler authored a Form 17 on October 17, 2018, in which he wrote the supporting documentation for the audit was "clearly marked and secured at the Inspections Section prior to the transfers of Lieutenant Barbara Young, Sergeant Douglas Frazier and myself."

Captain Butler was transferred from Inspections Section on March 18, 2018.

Chief Isaac stated he did not ask Captain Butler for the location of items related to the 2017 overtime audit on March 8 or March 9, 2018. On March 8 or 9, 2018, Captain Butler did not tell Chief Isaac items from the 2017 overtime audit were in the Inspections Section office. Chief Isaac did not go to the Inspections Section office on March 8 or 9, 2018, and take anything, most specifically, a master box or any items related to the 2017 overtime audit. He did not go to the Inspections Section office at all on March 8 or 9, 2018.

Chief Isaac stated his presence in the Inspections Section office would be considered memorable, as it is not a location he visits often. Chief Isaac stated since assuming the role as Police Chief, he has only gone to the Inspections Section office to attend random drug testing. He has never been to the Inspections Section office to discuss the 2017 overtime audit.

As Police Chief, Chief Isaac has only attended random drug testing in the Inspections Section office on January 12, 2016; December 12, 2017; April 18, 2018; and July 24, 2018.

Lieutenant Young, Sergeant Fassnacht, Sergeant Frazier, Sergeant Mapel, Sergeant Schaeper, and CTIII Lovette each stated they are not aware of Chief Isaac or anyone not assigned to the Inspections Section asking for or physically removing any documents related to the audit from the Inspections Section office.

The IIS investigation determined Chief Isaac did not remove any items related to the audit from the Inspections Section office.

Based on the IIS investigation, IIS recommends this portion of the investigation be closed **UNFOUNDED**.

The statements made by Captain Butler alleging on March 8 or 9, 2018, Chief Isaac removed items related to the audit from the Inspections Section office are inaccurate, intentional, and misleading. Captain Butler's actions are in violation of Rule 2.03B of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department, which states:

2.03 Members shall submit all necessary reports on time and in accordance with established Departmental procedures. This rule is intended to be used for situations not rising to the level of seriousness outlined in Rule 5.01.

B. Reports submitted by members, as well as official statements, whether verbal or written, that contain inaccurate, incomplete, or improper information, including omissions, as a result of intentional conduct by members designed to mislead are covered under Section B. of Rule 2.03.

Based on the IIS investigation, IIS recommends this portion of the investigation be closed **SUSTAINED-OTHER**.

RAN / dgs